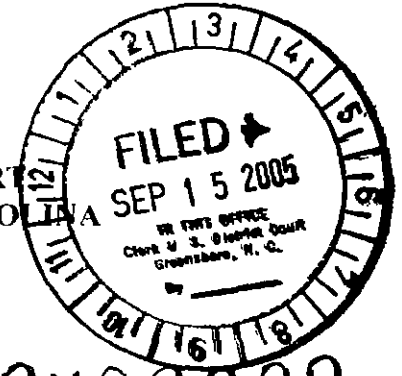


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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



George Anthony Dallas,

Petitioner,

v.

United States of America,

Respondent.

1:05CV00809

1:97CR266-1

RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Petitioner, a federal prisoner, has submitted a motion to vacate, set aside, or correct sentence pursuant to 28 U S C § 2255. This motion cannot be further processed for the following reasons:

1. Motion is not on proper § 2255 form - Forms enclosed
2. An insufficient number of copies was furnished. Petitioner must submit an original and two copies. Rule 3(a), Rules Governing § 2255 Proceedings. Note that at least one of the copies must bear petitioner's original signature.

Because of these pleading failures, this particular motion should be dismissed, but without prejudice to petitioner filing a new motion properly following the 28 U S C § 2255 forms, correcting the defects of the present motion. The Court has no authority to toll the statute of limitation, therefore it continues to run, and petitioner must act quickly if he intends to pursue this motion. See Spencer v. Sutton, 239 F.3d 626 (4th Cir. 2001). To further aid petitioner, the Clerk is instructed to send petitioner § 2255 forms and instructions.

IT IS THEREFORE RECOMMENDED that this action be filed and dismissed sua
sponte without prejudice to petitioner filing a corrected motion on the proper § 2255 forms

A handwritten signature in black ink, appearing to read "Wallace W. Dixon", written in a cursive style.

Wallace W. Dixon, U S. Magistrate Judge

September 15, 2005